United Nations A/HRC/30/43/Add.4

General Assembly

Distr.: General
8 September 2015

English only

Human Rights Council
Thirtieth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte

Addendum

Mission to Mauritius: comments by the State on the report of the Independent Expert*

* Reproduced in the annex as received.

GE.15-15171(E)

Please recycle

Comments on the Report of the Independent Expert on the enjoyment of all human rights by older persons, Rosa Kornfeld-Matte, on her mission to Mauritius (from 28 April to 8 May 2015)

1. General Observations on Mauritius

It has been observed that the Report contains several inconsistencies which pertain to the social fabric of the Mauritian society and which should be avoided in view of their sensitive connotations. Parts concerned are:

Paras 5, 8 & 11: data pertaining to Rodrigues Island has been addressed separately.

We should insist that Rodrigues is an integral part of the Republic of Mauritius and statistics or information relevant to the island should be within the national framework.

Para 7: Bhojpuri has not been included as one of the spoken language in Mauritius.

We would advise that same should be included.

Para 20: it is mentioned in this paragraph that the chairperson of the National Human Rights Committee is the SCE of the PMO.

It is proposed that SCE be replaced by Accounting Officer, Home Affairs Division.

Para 33: wherein it is mentioned that there are concerns related to discrimination between Mauritians and Rodriguans.

This sentence is considered to be factually wrong and should be deleted. The budget allocation to Rodrigues is an illustration of the positive discrimination in favour of Rodrigues.

Para 33: in this paragraph mention is also made that the creoles are significantly disadvantaged in the enjoyment of their economic, social and cultural rights.

This part is also not factually correct given that the policies and measures taken by Government are to uplift the standard of living of the population as a whole, without any discrimination towards any particular ethnic group.

Para 70: in this paragraph it is mentioned that "... private health care has started developing in Mauritius..".

This statement is factually not correct as there already exists a well-established private health care system in Mauritius.

2. Our observations pertaining to Older Persons in the Report

Paragraph 13 Quoted

The country also ratified the Convention on the Rights of Persons with Disabilities but made important reservations to core articles, i.e. on article 9 on accessibility, article 11 on situations of risk and humanitarian emergencies and article 24 on education, which the Independent Expert urges the Government to withdraw as it impedes the full application of rights under the Convention. The Independent Expert welcomed the intention expressed by the Government during the 2013 Universal Periodic Review of Mauritius to withdraw some of the reservation and regretted that no further steps had been taken in this regard.

Reply to Paragraph 13

Reservations to core Articles of the Convention on the Rights of Persons with Disabilities:

- On article 11, the enactment of the Disaster Management Bill is awaited.
- On article 9.2(b), the promulgation of the new accessibility regulations is awaited.
- On article 24.2 (b), The Ministry of Education and Human Resources, Tertiary Education and Scientific Research has proposed an inter-ministerial committee to discuss about the withdrawal of this reservation.

Paragraph 18 and 19 quoted

Mauritius was the first country in Africa, which in 2001 adopted a National Policy on Elderly. Following the adoption of the Madrid International Plan of Action on Ageing in 2002, the national policy was revised in 2008 and its focus shifted from the welfare dimension of ageing to a developmental approach and the concept Active Ageing. Consultations on a new National Policy on Ageing (2014-2024) were completed in May 2014 and it is hoped that adequate measures will be taken to publicize and implement the new policy. Rodrigues subscribes to the National Policy and, in addition, has a number of tailored programmes for older persons and persons with disabilities.

To oversee the effective implementation of the national policy, a Committee of Officials was established under the aegis of the Ministry of Social Security, National Solidarity and Reform Institutions.

Reply: to merge Paragraph 18 and 19 as hereunder

Mauritius was the first country in Africa, which in 2001 adopted a National Policy on Elderly. Following the adoption of the Madrid International Plan of Action on Ageing in 2002, the National Policy was revised in 2008 and its focus shifted from the welfare dimension of ageing to a developmental approach and the concept active ageing.

To oversee the effective implementation of the national policy, a committee of officials was established under the aegis of the Ministry of Social Security, National Solidarity and Senior Citizen Welfare and Reform Institutions.

Consultations on a new National Policy on Ageing (2014-2024) were completed in May 2014. However the Ministry has subsequently opted for a 5-year Strategy Plan covering period 2015-2020 and is presently finalizing same.

Rodrigues subscribes to the National Policy and the subsequent 5-year Strategy Plan, in addition, has a number of tailored programmes for older persons and persons with disabilities.

Paragraph 23 quoted

The Ministry is also in charge of the Elder-Care Department, which is mainly responsible for medical, paramedical and medico-social services and health education. The Independent Expert was pleased to learn that the Minister announced the setting up of a new elderly welfare department at the Ministry and an Ombudsperson for the elderly.

Reply: to remove this sentence

"The independent expert was pleased to learn that the Minister announced the setting up of a new elderly welfare department at the Ministry and an Ombudsman for the elderly"

Paragraph 33 quoted

The Independent Expert noted that the situation of older persons could not be seen in isolation, but that it was reflective of existing patterns of discrimination, marginalization and social exclusion that needed to be addressed. Certain communities and ethnic groups such as the Creoles for instance, remain significantly disadvantaged in the enjoyment of economic, social and cultural rights, in spite of the implementation of a range of measures benefitting the most disadvantaged segments of the population. Without a change in attitudes, the patterns of violations are perpetuated and sometimes exacerbated in the old age. There are also concerns related to discrimination between Mauritians and Rodriguans.

Reply: to remove Paragraph 33 and replace by:

Every senior citizen has the same right and benefits from all schemes of social protection. The services of the Ministry are accessible to everybody through a system of decentralization as there are forty-four regional Social Security Offices scattered all over the islands of Mauritius and Rodrigues. It is an ongoing exercise to sensitize our beneficiaries of all schemes existing at the Ministry through personal contacts and media.

There is no discrimination between Mauritians and Rodriguans. In fact there exists a positive discrimination towards Rodriguans in the sense that many of the consumer goods are subsidized in Rodrigues.

Paragraph 34 quoted

Creole is the common language spoken by all groups in Mauritius, notably the older generation, but it does not have any official status and cannot be used in the administration. Particularly language can be a vehicle for social exclusion and impede older persons from accessing and enjoying their rights. It is therefore essential to ensure that proper status is given to the languages spoken by the older persons so that language becomes the thirteenth protected ground under the Equal Opportunities Act. It is also essential to eliminate language barriers to equality and to the enjoyment of civil and political rights as well as economic, social and cultural rights.

Reply: To add

"In practice opportunity to speak creole is given to all those who cannot use French or English to communicate".

Paragraph 37 quoted

Besides the adoption of the Protection of Elderly Persons Act, the Government has taken a number of legislative measures and has established an institutional framework in recent years, but these remained limited in scope and did not adequately address the issue of violence against older persons and elder abuse in Mauritius which continues to remain a matter of serious concern. Neither the National Policy on Ageing 2008 nor the Residential Care Homes Act of 2003 address the issue in the community and residential care homes respectively.

Reply:

Number of cases dealt with has been decreasing over the years; example in 2006 the average was 1200 cases and in 2014 the average is 750 cases.

Paragraph 39 quoted

The Protection of Elderly Persons Act, which became effective as on 1 September 2006, was enacted to ensure that adequate protection is provided to older persons against abuse, be it physical or verbal ill-treatment, mental or emotional harassment, financial loss or material prejudice. The Act makes an offence any act of abuse on an older persons or the willfully failing to provide an older person under his care with adequate food, medical attention, shelter or clothing. The Court may grant a protection order if there is reason to believe that an older person has suffered, is suffering or is likely to suffer an act of abuse. The protection order seeks to restrain the person committing the act of abuse from engaging into any such conduct towards the older person.

Reply: to add

"The Ministry is working on the amendment of The Protection of Elderly Persons Act 2005 to provide more protection to the elderly".

Paragraph 45 quoted

Mauritius has the lowest old age poverty rate in the region. While overall an estimated 8.7 per cent of Mauritians live in poverty, pockets of poverty exist in some areas. About 40 per cent of the population of Rodrigues, for instance, lives below the poverty level. This includes older persons, who in addition regularly take charge of their grandchildren, as the children are seeking employment in Mauritius as a result of the very high unemployment rates. The high level of poverty among Mauritian Creoles has also led the Committee on Economic, Social and Cultural Rights to express its concerns, noting that it largely prevents the enjoyment of human rights by those affected.

Reply: We are not agreeable on this sentence :

"The high level of poverty among Mauritian Creoles has also led the committee on Economic, Social and Cultural Rights to express its concerns, noting that it largely prevents the enjoyment of Human Rights by those affected"

Paragraph 49 quoted

The Independent Expert was informed that many neighborhoods in Mauritius are de facto ethnically segregated, with low-status Creoles, including many Rodrigues, living in the poorest housing, particularly in informal urban dwellings, which are spaces of vulnerability and exclusion. There is a need to ensure that social housing programmes do not reinforce such residential de facto segregation of the poor and marginalized populations.

Reply:

The paragraph is factually incorrect.

Paragraph 51 quoted

Accessibility is an issue of concern in all areas in Mauritius, notably public services, transportation, communication and information. While older persons in Mauritius are entitled to travel freely on public transport, public buses are not accessible, significantly impacting the mobility of older persons. Moreover, in some poverty-stricken areas for instance, there are no facilities for public transport at all.

Reply: the following sentence is not correct and should be deleted

"Moreover, in some poverty-stricken areas for instance, there are no facilities for public transport at all"

Paragraph 55 quoted

Experience shows that the effects of climate change have a disproportionate effect on older persons, due to their mobility, dependence, physical, emotional or mental condition. These factors are often aggravated by poverty and location, such as remote rural areas or coastal areas. Older persons tend to be excluded, isolated and left behind in natural disasters and emergencies.

Reply: To rephrase last sentence as follows

The National Disasters Risk Management Committee (NDRMC) recommended older persons who are inmates of Homes that they are safely transferred to a safe place in case of threats due to Natural Disasters or floods. A plan of evacuation by the Managers of all Homes is presently being worked out.

Older persons living with members of their family are taken care of by these members in case of emergencies.

As regards old persons who live alone, they can seek shelter in the emergency centres which are operated in case of emergencies. In case assistance is needed for them to attend the shelters, the Police usually helps.

Paragraph 57 quoted

The Mauritian pension system includes several schemes that can be grouped into three main categories:- Basic Retirement Pensions (BRP), Occupational compulsory pensions and voluntary pensions.

Reply: Whole paragraph to rephrase as follows

The Mauritian Pension System includes several schemes that can be grouped into three main categories: Social Assistance, Social Insurance and Private or Occupational Pension Schemes.

Paragraph 58 quoted

The Basic Retirement Pension is a non-contributory universal pension operating since 1976 and payable to all people 60 years and older. In 2014, the average benefit was Rs 5416 per month, i.e around 140 €. The central government finances expenditures through a grant to the National Pension Fund (NPF), which administers the programme.

Reply: to rephrase this sentence – "In 2014, the average benefit was Rs 5416 per month, i.e around 140€" as follows:

The Basic Retirement Pension is a noncontributory Universal Pension operating since 1976 and payable to all people 60 years and older. As from December 2014, the benefit increased from Rs 3,623 to Rs 5000 per month.

Paragraph 61 quoted

In addition, older persons and persons with disabilities in need of constant care and attendance receive a care giving allowance, in addition to other forms of social assistance, such as income support. The Basic Invalid Pension, which is allocated to persons with disabilities, is however discontinued after the age of 60. Older persons with disabilities thus only receive the old-age pension afforded to older persons in general. Considering that with age, requirements for all persons tend to increase, including disability-specific needs, the policy of revoking the basic invalid pension when the person with a disability becomes old, should be reconsidered.

Reply: to amend last sentence as follows:

The Basic Invalid Pension, which is allocated to persons with disabilities, is however discontinued after the age of 60 and replaced by Basic Retirement Pension (BRP) – After the age of 60 if the elderly needs constant care and attention, he receives a Carer's Allowance. Older persons with severe disabilities benefit from an enhanced Basic Retirement Pension as follows: Rs 5,000 + Rs 3,000 = Rs 8,000.

Paragraph 73 quoted

Institutional care in Mauritius relies to a large extend on partnerships between the government and NGOs, relying to a large extend on voluntary services, especially the collaboration of older persons themselves. As the number of public homes for older persons is grossly insufficient, private retirement homes meant for those who can afford them, have gradually increased in recent years

Reply:

In Mauritius, there are no public homes. There are only Private Homes. Those private homes subsidized by the Ministry of Social Security, National Solidarity and Reform Institutions are termed Charitable Institutions. Both the Charitable Institutions and Private Homes are regulated under the Residential Care Homes Act.

Paragraph 77 quoted

The Residential Care Homes Act has been enacted in 2003 to monitor the management of private homes for older persons and standardizing the norms governing them. This Act is to apply general supervision and control over residential care homes, to supervise compliance by licenses, to set up codes of practices for residential care homes and to monitor conformity with the code. Licensing of residential care homes is regulated in more detail by the Residential Care Homes Regulations 2005. Twenty-seven private care homes have registered under the Act.

Reply: To amend last line to read as follows:

Thirty-one private residential care homes are registered under the Act.

Paragraph 79 quoted

Nevertheless, quality of care remains an area of concern in all settings. It is reported that some of the homes are overcrowded, lack appropriate facilities, and that food is inadequate and not adapted to the individual needs of older persons. A large number of private care homes moreover seem to operate illegally, i.e. without registration, and thus elude any stipulated monitoring or quality control.

Reply:

A few private residential care homes operate illegally in Mauritius. However, the Ministry is not aware of their addresses. Those known by the Ministry, action is taken for them to get registered. The help of stakeholders are sought to locate the illegally operating residential care homes.

Paragraph 80 quoted

Informal carers are often not adequately trained and are not well prepared for the tasks of a caregiver. Efforts have been made to provide practical training to informal carers, taking into account the specific needs of dependent older persons, but remain limited to a 15-hour course. In 2013, 450 informal carers have been trained and training has also been provided to 200 formal carers. However, since these are low paid jobs, they do not attract or retain carers who have had training.

Reply:

"In 2013, 450 Informal Carers have been trained" – As at June 2015, there are 1443 Informal Carers who have been trained.

Paragraph 88 quoted

The 2001 national policy on the elderly was an important step to comprehensively address the welfare dimension of the ageing phenomenon. The Independent Expert notes that consultations on the National Policy on Ageing (2014-2024) were completed in March 2014 and calls upon the Government to deploy all necessary efforts to implement the new national policy.

Reply:

Presently the Ministry is working on a 5-year Strategy Plan covering period 2015-2020.

Paragraph 99 quoted

The Independent Expert emphasizes the need for an anti-discrimination strategy addressing discrimination in a coherent and multi-faceted way. She recommends that the Government continue to address the general patterns of discrimination that are prevalent in the country and that are perpetuated in old age and particularly affect certain communities and ethnic groups, such as the Creoles who continue to experience disadvantages in the enjoyment of economic, social and cultural rights. She also emphasizes the importance to give proper status to languages spoken by older persons so that language becomes the thirteenth protected ground under the Equal Opportunities Act. This is also essential to eliminate language barriers to equality and to the enjoyment of all sets of rights.

Comments - In practice opportunity to speak creole is given to all those who cannot use French or English to communicate.